



Nixon Peabody LLP  
Tower 46  
55 West 46th Street  
New York, NY 10036-4120  
Attorneys at Law  
nixonpeabody.com  
@NixonPeabodyLLP

**Christopher M. Mason**  
Partner  
T / 212.940.3017  
F / 866.947.2229  
cmason@nixonpeabody.com

## MEMO ENDORSED

May 23, 2025

BY ECF

The Honorable Edgardo Ramos  
United States District Court  
Southern District of New York  
40 Foley Square, Room 415  
New York, New York 10007

The request is granted. Discovery is stayed  
until June 30, 2025.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Edgardo Ramos", written over a horizontal line.

Edgardo Ramos, U.S.D.J.

Dated: May 27, 2025

New York, New York

*Abode Affordable Housing, LLC v. McCall*, No. 23-cv-6887 (ER)

Dear Judge Ramos:

We are co-counsel for Defendants, the personal representatives of the Estate of Albert B. McCall, in this action. Consistent with the Court's minute order of April 28, 2025 [PACER Dkt. 50] requesting a status report by May 26, 2025, we are submitting this letter on behalf of both Plaintiff and our clients.

Given the status of ongoing settlement discussions, and pursuant to Rule 1.E of Your Honor's Individual Practices, all parties are requesting that the Court extend through June 30, 2025, the current stay of discovery in this case. This is the parties' third request for a stay. The first request was granted by the Court [PACER Dkt. 9] in connection with the pendency of an initial motion to dismiss.

As to the second request, on March 27, 2025, new counsel for Plaintiff requested, with Defendants' consent, that the Court stay discovery "until 30 days after any answer is filed by Defendants" to the current Second Amended Complaint in order to "conserv[e] resources while the parties . . . discuss settlement." See Letter from R. Zachary Gelber to the Honorable Edgardo Ramos dated March 27, 2025, at 1 [PACER Dkt. 44]. The Court granted the parties' request on March 28, 2025, endorsing Mr. Gelber's letter and ordering that "[d]iscovery is stayed until May 26, 2025" [PACER Dkt. 45].

On April 25, 2025, Defendants filed an Answer and Affirmative Defenses to the Second Amended Complaint. On April 28, 2025, the Court entered its minute order directing the parties to provide an update on the status of their settlement discussions by May 26, 2025.

Since the parties' most recent request for a stay of discovery, they have engaged in multiple discussions regarding a possible resolution of this action. Each side has produced (for settlement purposes only) documents and information not previously known to the other. This has clarified certain factual issues.

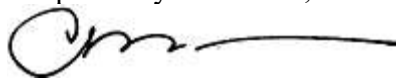
The Honorable Edgardo Ramos  
May 23, 2025  
Page 2

Attorneys at Law  
nixonpeabody.com  
@NixonPeabodyLLP

The Parties believe that continuing these exchanges and settlement discussions, without incurring potentially unnecessary fees and costs related to discovery, would be productive and in the interests of justice. This is why the parties are asking that the current stay of discovery be extended through June 30, 2025.

We thank the Court for its consideration of this request. Both sides would also be happy, of course, to address any questions the Court may have.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Cm', followed by a long horizontal line.

Christopher M. Mason

cc: R. Zachary Gelber, Esq.  
[zgelber@gelbersantillo.com](mailto:zgelber@gelbersantillo.com)  
Neil P. Diskin, Esq.  
[ndiskin@nixonpeabody.com](mailto:ndiskin@nixonpeabody.com)  
Nathan C. Sanders, Esq.  
[nsanders@nealharwell.com](mailto:nsanders@nealharwell.com)